

**The City of Springfield, Ohio
City Commission Regular Meeting Minutes
Tuesday, October 12, 2021 – 7:00 p.m.
City Hall Forum**

The meeting was called to order by Assistant Mayor Chilton. Roll call was answered by Mrs. Chilton, Mr. O'Neill, Mr. Rue, and Mr. Copeland. Dr. Estrop was absent.

President Copeland read a statement indicating that Assistant Mayor Chilton would chair the City Commission meetings while he continues to recover from a recent illness.

The invocation was offered by Mrs. Chilton, who then led the assembly in the Pledge of Allegiance.

On motion of Mr. O'Neill, seconded by Mr. Copeland, members approved the minutes of the September 28, 2021, Work Session, Public Hearings, and Legislative Meeting as presented.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

FIRST READINGS—ORDINANCES

The following legislation was read by title only for the first time and requires presentation at a second regular meeting before vote on passage:

266-21 Authorizing the City Manager to enter into a Grant Agreement with the United States Department of Housing and Urban Development ("HUD") for the HOME Investment Partnership - American Rescue Plan Grant in an amount not to exceed \$1,880,905.00; and authorizing the City Manager, Law Director, and Finance Director to do all things necessary for the execution of the grant agreement and to comply with all relevant local, state and federal legal requirements.

267-21 Authorizing the Law Director to approve and settle a claim with Roger Krohn for the expense(s) associated with damage that occurred on his property located at 980 Lisa Court on or about August 21, 2021; and authorizing the Director of Finance to make payment to Roger Krohn in the amount of Five Hundred Sixty Dollars and Fifty-Nine Cents (\$560.59) as full and final settlement for said damages.

268-21 To amend Ordinance No. 91-90, passed March 12, 1991, and commonly known as the Codified Ordinances of The City of Springfield, Ohio, by enacting new Chapter 1721 titled *Tobacco Retailer Licensing & Sales*.

79-21 Confirming and approving Amendment 1 to the Memorandum of Understanding with The Ohio State University for fiber connection at the Springfield-Beckley Municipal Airport to increase the amount of fiber connectivity provided.

~~~~~ Next regular City Commission meeting: October 26, 2021. ~~~~~

**SECOND READINGS—ORDINANCES**

The following legislation was presented for a second time:

**194-21** **Ordinance No. 21-305: Approving an amendment to the existing CC-2A District Development Plan for 1.16 acres at 2202 North Bechtle Avenue, to allow for construction of a new automobile-oriented use.**

Upon questions from Mr. O'Neill and Mr. Rue, Community Development Deputy Director Thompson explained the proposed use is for a tire store on vacant property south of the existing Dollar Tree store. The property is currently zoned for business, and the Board of Zoning Appeals approved a conditional use permit to allow for an automobile-oriented use. The existing development plan designated the area for a gasoline station.

City Manager Heck noted the original development plan would allow an automobile or truck use, but the applicant requests a change to a tire store which requires the City Commission approve the proposed development plan amendment.

On motion of Mr. O'Neill, seconded by Mr. Copeland, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

**234-21** **DEFEATED Ordinance No. 21-306: Approving an amendment to the existing CC-2A District Development Plan for 1.10 acres at 2206 North Bechtle Avenue, comprised of Parcel Nos. 3200200001000140 and 3300600006100023, to allow for construction of a new automobile-oriented use.**

Mr. O'Neill spoke on the proposed plan and noted the Planning Board recommended approval and the Board of Zoning Appeals voted to approve a conditional use for the proposed gasoline station. Mr. O'Neill noted the request is to construct a business that would be used by nearby residents and there were no previous objections to the gasoline station nearby. The proposed use would be an opportunity to use a vacant location.

Mr. Copeland stated his opinion that the location was not good for a gasoline station.

Mr. Rue asked for additional detail on the existing development plan for the location. Mr. Thompson stated the current development shows the lot would be used for a retail use. Mr. Rue stated the City Commission must

make good decisions for the area and there would be a better use for the property as originally planned. Mr. Rue thanked the applicant for the interest in investing in the city, but stated that he did not believe it was the best use for the property.

Mr. Steven Butler, representing the applicant, stated the original development plan showed a retail use but a restaurant went into that space and noted other locations where designated uses have changed. Mr. Butler spoke on the impact of COVID on restaurants leaving vacant buildings. Mr. Butler stated the applicant is not opposed to fencing and landscaping to improve the location and planned to reduce the amount of asphalt at that location.

Mr. O'Neill noted the development plan for this general area has come to the City Commission several times for amendments.

On motion of Mr. O'Neill, seconded by Mr. Copeland, the ordinance to amend the development plan was defeated.

Yeas, Mr. O'Neill. Nays, Mr. Copeland, Mr. Rue, and Mrs. Chilton

Yeas 1, Nays 3.

**235-21      Ordinance No. 21-307: Approving an OPD-H Development Plan at 130 South Burnett Road to develop six single-story residential buildings with 32 single-bedroom units.**

On motion of Mr. Rue, seconded by Mr. O'Neill, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

**236-21      Ordinance No. 21-308: Approving an amendment to the existing OPD-H Development Plan at South Burnett Road to construct seven single-story residential buildings with 28 single-bedroom units and one office/community building.**

On motion of Mr. Rue, seconded by Mr. Copeland, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

**253-21      Ordinance No. 21-309: Accepting the application for annexation of certain territory containing 31.28 acres, more or less, in Springfield Township and commonly known as the 330 Tuttle Road Annexation Area to The City of Springfield, Ohio.**

Commissioners clarified the proposed application for annexation is separate from any change in zoning or use of the property that would be addressed at a later time.

Mr. Todd Nelson, 160 Tuttle Road, spoke on the proposed annexation and stated his concerns for traffic safety, environmental safety, planned developments, and the CEDA Regional Planning Commission's rezoning denial.

Mrs. Chilton asked the City Manager to explain the CEDA Agreement. Mr. Heck explained the agreement between the City and Springfield Township allows applicants to annex their property into the city and receive services such as utilities, fire and police. Mr. Heck stated the CEDA Regional Planning Commission recommended denial of a rezoning request, but the City Commission would consider the rezoning at a separate time.

Mr. O'Neill asked what zoning classification would be given to the subject property upon annexation, and Mr. Thompson stated that property would be zoned RS-5 for residential development.

Ms. Dawn Anderson, 144 Tuttle Road, asked why the property should be annexed and why neighboring township residents cannot vote on the annexation.

Mr. Heck explained the Ohio Revised Code regulates annexation procedures and allows property owners to request annexation. The CEDA Agreement with Springfield Township allows the property to also be in both the city and the township plus stay in the existing school system. The CEDA Board is comprised of members from the city, the county and the township.

Mr. Rue and Mr. Copeland both noted the property owner would receive city utility service upon annexation which is a primary benefit of annexation.

Ms. Linda Brown, 220 Tuttle Road, noted confusion on the property owners listed for the subject property.

Ms. Barb Rossler, 120 Tuttle Road, spoke about the area if the property is annexed.

On motion of Mr. Rue, seconded by Mr. O'Neill, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

**254-21      Ordinance No. 21-310: Authorizing a contribution to SpringForward in the amount of \$1,200,000.00, for the purpose of downtown residential development.**

On motion of Mr. O'Neill, seconded by Mr. Rue, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

**257-21      Ordinance No. 21-311: Confirming and approving the acceptance of a Defense Community Infrastructure Pilot ("DCIP") Program Grant through the Office of Local Defense Community Cooperation in an amount not to exceed \$6,000,000.00 for the construction of a National Advanced Air Mobility Center of Excellence; authorizing a local matching expenditure in an amount not to exceed \$2,019,535.00; and authorizing the City Manager, Director of Finance and Law Director to perform all acts and execute all documents**

considered necessary to fulfill the City's obligations under said Grant, and to comply with all relevant local, state and federal legal requirements.

Mr. Heck noted Springfield was one of 13 communities in the country awarded this grant out 70 applications. Assistant City Manager and Economic Development Director Franzen spoke of the many partnerships involved with the project including support from Wright Patterson Air Force Base. The project includes a 30,000 square foot building related to the electric vertical takeoff and landing systems.

On motion of Mr. Rue, seconded by Mr. O'Neill, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

**258-21      Ordinance No. 21-312: Authorizing the City Manager to enter into an Agreement to Purchase with Clark County Land Reutilization Corporation for the purchase of certain real property located at 1939-1941 South Limestone Street, for an amount not to exceed \$2,500.00; and authorizing the City Manager, Law Director and the Director of Finance to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said Agreement to Purchase and to comply with all relevant local, state and federal legal requirements.**

On motion of Mr. O'Neill, seconded by Mr. Rue, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

### **EMERGENCY ORDINANCES**

The following emergency legislation was presented for the first time:

**12-21      Emergency Ordinance No. 21-313: Confirming purchases and the obtaining of services for the City and providing for payments therefor; and declaring an emergency therein.**

On motion of Mr. Rue, seconded by Mr. O'Neill, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

**269-21      Emergency Ordinance No. 21-314: Authorizing the City Manager to enter into an Enterprise Zone Agreement by and among the City of Springfield, Ohio (the "City"), Springfield Industrial Owner, LLC and Gabriel Brothers, Inc.; and declaring an emergency therein.**

Mr. O'Neill noted the proposed development is a good project for the area.

On motion of Mr. Rue, seconded by Mr. O'Neill, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

**271-21      Emergency Ordinance No. 21-315: Authorizing the City Manager to enter into an Agreement with SBDC, Inc. to provide administrative funds to further the development of small businesses in the City in an amount not to exceed \$115,000.00 per year for the three-year period of July 1, 2021 through June 30, 2024, for a total amount not to exceed \$345,000; and confirming and approving services provided under said Agreement from July 1, 2021 to the passage of this Ordinance; and declaring an emergency therein.**

On motion of Mr. Rue, seconded by Mr. O'Neill, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

**272-21      Emergency Ordinance No. 21-316: Authorizing the City Manager to enter into an Agreement with the Drug Enforcement Administration to reimburse expenditures for officers involved in joint operations, for the period of October 1, 2021 through September 30, 2022; authorizing the City Manager, Finance Director, Law Director and Chief of Police to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said Agreement, and to comply with all relevant local, state and federal legal requirements; confirming and approving services provided under said Agreement from October 1, 2021 to the passage of this Ordinance; and declaring an emergency therein.**

On motion of Mr. Rue, seconded by Mr. O'Neill, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

**273-21      Emergency Ordinance No. 21-317: Authorizing the City Manager to enter into a Purchase Agreement for Real Estate for the purchase of certain real property located at 2041 Erie Avenue from Jose Oscar Villatoro for an amount not to exceed \$125,800.00; authorizing the City Manager, Law Director and the Director of Finance to perform all acts and execute all documents they consider necessary to fulfill the City's obligations under said Purchase Agreement and to comply with all relevant local, state and federal legal requirements; and declaring an emergency therein.**

On motion of Mr. Copeland, seconded by Mr. Rue, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

**274-21      Emergency Ordinance No. 21-318: Authorizing the City Manager to apply for an Urban Canopy Restoration Grant through the Ohio Department of Natural Resources Division of Forestry in an amount up to \$20,000.00; authorizing a local matching expenditure in the amount of \$20,000.00; authorizing the City Manager, Director of Finance and Law Director to perform all acts and execute all documents considered necessary to**

fulfill the City's obligations under said Grant application, and to comply with all relevant local, state and federal legal requirements; and declaring an emergency therein.

Mr. Heck explained the grant would allow for replacement trees in all areas of the city.

On motion of Mr. Copeland, seconded by Mr. Rue, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

**122-20a      Emergency Ordinance No. 21-319: Confirming and approving Change Order No. 4 to the contract between the City and Structural Systems Repair Group, LLC for the WTP Concrete Repairs and WWTP Secondary Clarifiers and Effluent Diversion Concrete Repair, to increase the contract in an amount not to exceed \$51,026.50, for a total amount not to exceed \$3,826,348.67; authorizing the City Manager to execute said Change Order No. 4; and declaring an emergency therein.**

On motion of Mr. Copeland, seconded by Mr. Rue, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

**122-20b      Emergency Ordinance No. 21-320: Confirming and approving Change Order No. 5 to the contract between the City and Structural Systems Repair Group, LLC for the WTP Concrete Repairs and WWTP Secondary Clarifiers and Effluent Diversion Concrete Repair, to increase the contract in an amount not to exceed \$12,006.50, for a total amount not to exceed \$3,838,355.17; authorizing the City Manager to execute said Change Order No. 5; and declaring an emergency therein.**

On motion of Mr. O'Neill, seconded by Mr. Rue, the ordinance was passed.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

### **COMMENTS FROM COMMISSIONERS**

**2-21**            Mr. Rue presented a proclamation proclaiming the month of October as Rett Syndrome Awareness Month. The proclamation was accepted by Mrs. Carmen Luna and her children.

**2-21**            Mrs. Chilton reminded citizens of the Family Needs Center's Health Fair on Thursday, October 14, from 10 a.m. to 1 p.m. at 36 East Grand Avenue.

### **COMMUNICATIONS**

The following communications were received and filed:

- 5-17**            Invitation to Virtual Public Presentation of Derr Road Corridor improvements.
- 198-21**        File-stamped copy of Ordinance No. 21-254 as filed with the Clark County Auditor and Recorder.
- 204-21**        File-stamped copy of Ordinance No. 21-234 as filed with the Clark County Auditor.
- 230-21**        File-stamped copy of Ordinance No. 21-263 as filed with the Clark County Auditor.
- 231-21**        File-stamped copy of Ordinance No. 21-264 as filed with the Clark County Auditor.
- 244-21**        File-stamped copy of Resolution No. 6127 as filed with the Clark County Auditor.
- 253-21**        Correspondence to the CEDA Regional Planning Commission from the Nelson family pertaining to proposed annexation, zoning and development of 330 Tuttle Road .

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There being no further business, on motion of Mr. Copeland, seconded by Mr. Rue, the meeting adjourned at 7:57 p.m.

Yeas, Mr. Copeland, Mr. O'Neill, Mr. Rue, and Mrs. Chilton.

Yeas 4, Nays 0.

  
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ASSISTANT MAYOR AND PRESIDING OFFICER

  
\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

  
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CLERK OF THE CITY COMMISSION